

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>	<b>Docket Number (Optional)</b>  30178-02
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First Named Inventor: RYAN, Marshall C.      Art Unit: 3751  
 Application Number: 10/524086      Examiner: MAUST, Timothy L.  
 Filed: February 9, 2005

Title: 
 METHOD AND APPARATUS FOR DISPOSING OF LIQUID SURGICAL WASTE FOR PROTECTION  
OF HEALTHCARE WORKERS

Attention: Office of Petitions  
**Mail Stop Petition**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
 Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**  
 NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity – fee \$ 255 (37 CFR 1.17(l)). Applicant claims small entity status.  
 See 37 CFR 1.27.

☐ Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify the type of reply):

☐ has been filed previously on \_\_\_\_\_ .  
☒ is enclosed herewith.

B The issue fee of \$ 1000

☒ has been filed previously on July 9, 2007 .  
☐ is enclosed herewith.

[Page 1 of 5]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
\_\_\_\_\_  
Signature

Thomas J. Oppold

\_\_\_\_\_  
Typed or printed name

Customer No. 23452

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

August 13, 2008

\_\_\_\_\_  
Date

42054

\_\_\_\_\_  
Registration Number, if applicable

952-896-3397

\_\_\_\_\_  
Telephone Number

Enclosure ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

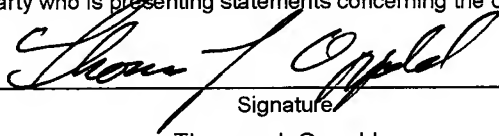
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**NOTE:** The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

Thomas J. Oppold

Typed or printed name

August 13, 2008

Date

42054

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

1. On May 19, 2006, a "Request to Correct Inventorship" pursuant to 37 C.F.R. § 1.48 was filed with the Office to add Marshall C. Ryan as an inventor to US Patent Application No. 10524086 (the "Application"). Ex. A. A declaration of inventorship signed by Mr. Ryan accompanied the Request to Correct Inventorship. Ex. A.
2. On or around February 21, 2007, a "Request to Delete Named Persons Who Are Not Inventors of the Invention Now Claimed" was filed with the Office, thus leaving Marshall C. Ryan as the sole named inventor on the Application. Ex. B.
3. On April 10, 2007, the Office issued a Notice of Allowance. Ex. C. The Notice of Allowability confirmed that the inventorship had been changed by the deletion of Jay D. Nord and Jeffrey K. Drogue and that Marshall C. Ryan was the sole named inventor on the application. Ex. C.
4. On July 9, 2007, the issue fees were paid. Ex. D.
5. On or around December 27, 2007, having not yet received a notice of grant of the patent application, I requested my paralegal, Ms. Cathryn J. Quinn, to telephone Examiner Maust to inquire as to when we could expect the Office to grant the patent since the issuance fees had been paid over four (4) months ago.
6. Ms. Quinn informed me that Examiner Maust advised her that the delay in the granting of the patent was due to the fact that Mr. Ryan's mailing address was not identified on the declaration filed by Mr. Ryan on May 19, 2006. Ms. Quinn further informed me that Examiner Maust suggested that we file an Application Data Sheet (ADS) with Mr. Ryan's mailing address.
7. On December 27, 2007, as suggested by Examiner Maust, an ADS identifying Mr. Ryan's mailing address was filed with the Office. Ex. E. As suggested by Examiner Maust, the "Remarks" section of the transmittal accompanying the ADS clearly indicates that the ADS is being filed to provide the mailing address of Inventor Ryan omitted from his declaration filed May 19, 2006. Ex. E.

[CONTINUED ON NEXT PAGE]

(Please attach additional sheets if additional space is needed.)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

Thomas J. Oppold

Typed or printed name

August 13, 2008

Date

42054

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

[CONTINUED FROM PREVIOUS PAGE]

8. An Office Action dated January 4, 2008 was received stating that "Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth by Correction of Inventorship, filed on 2/21/07. The substitute oath or declaration must be filed and signed by Marshall C. Ryan . . . ." Ex. F. Note, it is assumed the Office meant the Correction of Inventorship filed on May 19, 2006. The only documents filed on February 21, 2007 was the "Request to Delete Named Persons Who Are Not Inventors of the Invention Now Claimed."

9. On January 9, 2008, I requested Ms. Quinn to telephone Examiner Maust to inquire about the January 4, 2008 Office Action. Ms. Quinn informed me that Examiner Maust advised her that the Application Data Sheet filed on December 27, 2007 in combination with Mr. Ryan's declaration filed on May 19, 2006 had been accepted and that a Response to the January 4, 2008 Office Action would not be required.

10. I instructed Ms. Quinn to continue monitoring the Application for the purpose of filing a Divisional Application of the claims withdrawn in response to a previously entered restriction requirement. On April 23, 2008, a notice of abandonment was entered. Ex. G.

11. Based on the representations by Examiner Maust as identified in Paragraph 9, I reasonably believed that a response to the January 4, 2008 Office Action was not required and that the patent would be granted without further action. As such, the abandonment of the Application was unavoidable.

12. Despite the foregoing, and in response to the January 4 Office Action, Applicant submits herewith a substitute declaration signed by Marshall C. Ryan.

13. All statements made herein of my own knowledge are true, and all statements made herein on information and belief are believed to be true. The statements herein are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

(Please attach additional sheets if additional space is needed.)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

Cathryn J. Quinn

Typed or printed name

August 13, 2008

Date

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

1. On or around December 27, 2007, I was requested by Attorney Thomas Oppold to telephone Examiner Maust to inquire as to when the patent would be granted on US Patent Application No. 10524086 (the "Application") since the issue fees had been paid on July 9, 2007, over four (4) months prior.
2. During that December 27, 2007 telephone call, Examiner Maust advised me that the delay in the granting of the patent was due to the declaration of Marshall C. Ryan (previously filed on May 19, 2006) not identifying Mr. Ryan's mailing address. Examiner Maust suggested that we could resolve the matter by filing an Application Data Sheet listing Mr. Ryan's mailing address.
3. On December 27, 2007, I assisted Attorney Oppold in filing the Application Data Sheet listing Mr. Ryan's mailing address as had been suggested by Examiner Maust.
4. On January 9, 2008, I was requested by Attorney Oppold to telephone Examiner Maust to inquire about the January 4, 2008 Office Action which stated that a substitute declaration signed by Mr. Ryan must be filed to correct deficiencies set forth in the Correction of Inventorship filed on February 21, 2007. Examiner Maust advised me that the Application Data Sheet filed on December 27, 2007 in combination with the declaration signed by Mr. Ryan filed on May 19, 2006 had been accepted and that a Response to the January 4, 2008 Office Action would not be required. I informed Attorney Oppold of Examiner Maust's statement.
5. All statements made herein of my own knowledge are true, and all statements made herein on information and belief are believed to be true. The statements herein are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

(Please attach additional sheets if additional space is needed.)

## **EXHIBIT A**

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	1052290
<b>Application Number:</b>	10524086
<b>Confirmation Number:</b>	4210
<b>Title of Invention:</b>	Method and apparatus for disposing of liquid surgical waste for protection of healthcare workers
<b>First Named Inventor:</b>	Jay D Nord
<b>Customer Number:</b>	23595
<b>Filer:</b>	Thomas J. Oppold/Cathryn Quinn
<b>Filer Authorized By:</b>	Thomas J. Oppold
<b>Attorney Docket Number:</b>	20020298.0RI
<b>Receipt Date:</b>	19-MAY-2006
<b>Filing Date:</b>	09-FEB-2005
<b>Time Stamp:</b>	15:18:12
<b>Application Type:</b>	U.S. National Stage under 35 USC 371
<b>International Application Number:</b>	

### Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 130
RAM confirmation Number	54
Deposit Account	120449
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
1	Request under Rule 48 correcting inventorship	correctionofinventorship.pdf	161969	no	5
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	8231	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			170200		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p>					



**Acknowledgement Receipt**

The USPTO has received your submission at **15:18:12** Eastern Time on **19-MAY-2006** by Deposit Account: 120449.

\$ **130** fee paid by e-Filer via *RAM* with Confirmation Number: 54.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17

**eFiled Application Information**

EFS ID	1052290
Application Number	10524086
Confirmation Number	4210
Title	Method and apparatus for disposing of liquid surgical waste for protection of healthcare workers
First Named Inventor	Jay D Nord
Customer Number or Correspondence Address	23595
Filed By	Thomas J. Oppold/Cathryn Quinn
Attorney Docket Number	20020298.ORI
Filing Date	09-FEB-2005
Receipt Date	19-MAY-2006
Application Type	U.S. National Stage under 35 USC 371

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
correctionofinventorship.pdf	5	Request under Rule 48 correcting inventorship	161969 bytes	◆ PASS
fee-info.pdf	2	Fee Worksheet (PTO-875)	8231 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing

**EX. A 3 of 9**

Receipt, in due course.

*If you need help:*

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

US Application No.: 10/524,086

Examiner: \_\_\_\_\_

Int'l Application No.: PCT/US03/25018

Int'l. Application Filing Date: August 08, 2003

Art Unit: \_\_\_\_\_

Inventors: Nord et al.

Title: Method and Apparatus For Disposing of Liquid Surgical Waste For Protection of  
Healthcare Workers

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CORRECTION OF INVENTORSHIP  
IN A PATENT APPLICATION, OTHER THAN  
A REISSUE APPLICATION, PURSUANT TO 35 U.S.C. § 116  
(37 C.F.R. § 1.48)**

It is hereby respectfully requested that the above-referenced application be amended pursuant to 37 C.F.R. § 1.48 to correct inventorship by adding the following individual as an additional inventor: Marshall C. Ryan

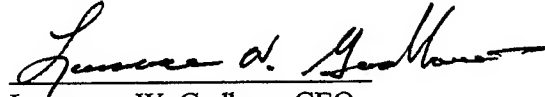
1. Pursuant to 37 C.F.R. § 1.48(a)(2), enclosed herewith is a statement by Marshall C. Ryan stating that the error in inventorship occurred without deceptive intention on his part. Also attached hereto is a declaration of inventorship executed by Marshall C. Ryan.

2. Pursuant to 37 C.F.R. § 1.48(a)(5), BioDrain Medical, Inc., an assignee of record of the above referenced patent application, hereby consents to the amendment to correct inventorship to add Marshall C. Ryan as an inventor to said application.

3. Submitted herewith is an executed statement under 37 C.F.R. § 3.73(b) establishing the authority of BioDrain Medical, Inc. to request the action to be taken to correct the inventorship of said application.

4. The required processing fee of \$130.00 as set forth in 37 C.F.R. § 1.17(i), is attached hereto.

Respectfully submitted,  
BioDrain Medical, Inc.

  
Lawrence W. Gadbaw, CEO

Date: March 24, 2006

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: BioDrain Medical, Inc.

Application No./Patent No./Control No.: 10/524,086 Filed/Issue Date: February 9, 2005

Entitled: Method and Apparatus For Disposing of Liquid Surgical Waste For Protection of Healthcare Workers

BioDrain Medical, Inc., a Corporation  
(Name of Assignee) (Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 016694, Frame 0608, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Lawrence W. Gadbow  
Signature

March 24, 2006  
Date

Lawrence W. Gadbow  
Printed or Typed Name

(952) 942-0093  
Telephone Number

CEO  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

US Application No.: 10/524,086

Examiner: \_\_\_\_\_

Int'l Application No.: PCT/US03/25018

Int'l. Application Filing Date: August 08, 2003

Art Unit: \_\_\_\_\_

Inventors: Nord et al.

Title: Method and Apparatus For Disposing of Liquid Surgical Waste For Protection of  
Healthcare Workers

**CORRECTION OF INVENTORSHIP  
IN A PATENT APPLICATION, OTHER THAN  
A REISSUE APPLICATION, PURSUANT TO 35 U.S.C. § 116  
(37 C.F.R. § 1.48)**

It is hereby respectfully requested that the above-referenced application be amended pursuant to 37 C.F.R. § 1.48 to correct inventorship by adding the following individual as an additional inventor: Marshall C. Ryan.

In support of the request for amendment, the undersigned states and submits the following:

1. The error in inventorship occurred without any deceptive intent on the part of Marshall C. Ryan;
2. The required processing fee of \$130.00 as set forth in 37 C.F.R. § 1.17(i), is attached hereto.

3. Declaration of Inventorship:

I, Marshall C. Ryan, a citizen of the United States, declare that I am an inventor of the subject matter that is claimed in at least one of the pending claims in the above-referenced application as published in Pub. No. US2005/0209585 on September 22, 2005 and for which a patent is sought. I have reviewed and understand the contents of the above-referenced application, including the claims, as published in Pub. No. US2005/0209585 on September 22, 2005. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. All statements made herein of my own knowledge are true, and all statements made herein on information and belief are believed to be true. The statements herein are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Dated: March 8<sup>th</sup>, 2006

Marshall C. Ryan  
Marshall C. Ryan

C:\DOCUME~1\toppold\LOCALS~1\Temp\wmtempfe0\1063037.01

*Selene K. Berger*  
*Notary exp.*  
*May 20, 2007*

## **EXHIBIT B**



**Acknowledgement Receipt**

The USPTO has received your submission at **17:30:10** Eastern Time on **21-FEB-2007**.

\$ **130** fee paid by e-Filer via *RAM* with Confirmation Number: 683.

**eFiled Application Information**

EFS ID	1534222
Application Number	10524086
Confirmation Number	4210
Title	Method and apparatus for disposing of liquid surgical waste for protection of healthcare workers
First Named Inventor	Jay D Nord
Customer Number or Correspondence Address	23452
Filed By	Thomas J. Oppold/Cathryn Quinn
Attorney Docket Number	30,178-00
Filing Date	09-FEB-2005
Receipt Date	21-FEB-2007
Application Type	U.S. National Stage under 35 USC 371

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
transmittalandrequest.pdf	3		110209 bytes	◆ PASS
		<b>Document Description</b>	<b>Page Start</b>	<b>Page End</b>
		Miscellaneous Incoming Letter	1	1
		Request under Rule 48 correcting inventorship	2	3
fee-info.pdf	2	Fee Worksheet (PTO-06)	8242 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance

of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

*If you need help:*

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PROCESSING FEE**  
**Under 37 CFR 1.17(i)**  
**TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/524086
Filing Date	February 9, 2005
First Named Inventor	Jay D. Nord
Art Unit	3751
Examiner Name	Timothy Lewis Maust
Attorney Docket Number	30178-02

Enclosed is a paper filed under 37 CFR 1.48(b) that requires a processing fee (37 CFR 1.17(i)).  
Payment of \$ 130 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

**Payment of Fees** (small entity amounts are NOT available for the processing fees)

- ☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 12-0449 :  
☐ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit of any overpayments  
Enclose a duplicative copy of this form for fee processing.
- ☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.
- ☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,  
Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.  
§ 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.  
§ 1.48 - for correcting inventorship, except in provisional applications.  
§ 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.  
§ 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).  
§ 1.55 - for entry of late priority papers.  
§ 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods  
§ 1.99(e) - for processing a belated submission under § 1.99.  
§ 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).  
§ 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).  
§ 1.103(d) - for requesting deferred examination of an application.  
§ 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.  
§ 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**  
§ 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.  
§ 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.  
§ 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.



Signature

Thomas J. Oppold

Typed or printed name

February 21, 2007

Date

42054

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: NORD et al. Attorney Docket: 30178-02  
Serial No.: 10/524,086 Art Group Unit: 3751  
Filed: February 9, 2005 Examiner: MAUST, Timothy Lewis  
Title: Method and Apparatus for Disposing of Liquid Surgical Waste for Protection of  
Healthcare Workers

-----  
**MAIL STOP AMENDMENT**  
COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

**REQUEST TO DELETE NAMED PERSONS WHO ARE NOT  
INVENTORS OF THE INVENTION NOW CLAIMED  
(37 C.F.R. § 1.48(b))**

By amendment filed on February 16, 2007, Applicant cancelled claims 1-6, 11-12 and 17, amended claims 7-8 and added new claims 18-25.

Pursuant to 37 C.F.R. § 1.48(b), and as a result of the foregoing amendment, Applicant hereby requests deletion of the following persons named as inventors in the original application, as these persons are not inventors to the invention now claimed in the remaining pending claims 7-10, 13-16 and 18-25:

1. Jay D. Nord
2. Jeffrey K. Drogue.

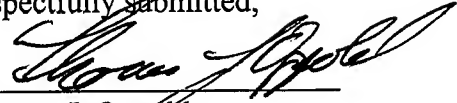
Accordingly, the only person that should remain as an inventor in the present application is Marshall C. Ryan.

**EX. B 4 of 5**

The required fee in the amount of \$130.00 pursuant to 37 C.F.R. 1.17(i) is submitted  
herewith.

Date: February 21, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Oppold", written over a horizontal line.

Thomas J. Oppold  
Registration No. 42,054  
Customer No. 23452

## **EXHIBIT C**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

23452 7590 04/10/2007

PATENT DEPARTMENT  
LARKIN, HOFFMAN, DALY & LINDGREN, LTD.  
1500 WELLS FARGO PLAZA  
7900 XERXES AVENUE SOUTH  
BLOOMINGTON, MN 55431

EXAMINER

MAUST, TIMOTHY LEWIS

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 04/10/2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,086	02/09/2005	Marshall C Ryan	30,178-00	4210

TITLE OF INVENTION: METHOD AND APPARATUS FOR DISPOSING OF LIQUID SURGICAL WASTE FOR PROTECTION OF HEALTHCARE WORKERS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$0	\$1000	07/10/2007

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: Mail

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

23452 7590 04/10/2007

**PATENT DEPARTMENT**  
**LARKIN, HOFFMAN, DALY & LINDGREN, LTD.**  
**1500 WELLS FARGO PLAZA**  
**7900 XERXES AVENUE SOUTH**  
**BLOOMINGTON, MN 55431**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,086	02/09/2005	Marshall C Ryan	30,178-00	4210
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**TITLE OF INVENTION: METHOD AND APPARATUS FOR DISPOSING OF LIQUID SURGICAL WASTE FOR PROTECTION OF HEALTHCARE WORKERS**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional	YES	\$700	\$300	\$0	\$1000	07/10/2007
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EXAMINER	ART UNIT	CLASS-SUBCLASS
MAUST, TIMOTHY LEWIS	3751	141-086000

**1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).**  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

**2. For printing on the patent front page, list**

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

**3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

**4a. The following fee(s) are submitted:**

☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

**4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)**

☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

**5. Change in Entity Status (from status indicated above)**

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



**2/22/07**  
**Notice of Allowability**

Application No.

10/524,086

Examiner

Timothy L. Maust

Applicant(s)

NORD ET AL.

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Examiner's amendment of 2/22/07.
2. ☒ The allowed claim(s) is/are 7-10, 13-16 and 18-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 2/21/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other attached Bib Data Sheet

Timothy L. Maust  
Primary Examiner  
Art Unit: 3751

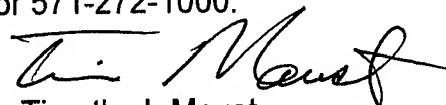
### Correction of Inventorship

In view of the papers filed on 5/19/06 and 2/21/07, the inventorship in this nonprovisional application has been changed by the deletion of Jay D. Nord and Jeffrey K. Droque.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Mon. - Thur. 6:30 - 5:00.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Timothy L. Maust  
Primary Examiner  
Art Unit 3751

Tlm  
3/8/07

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 7-10, 13-16 and 18-22, drawn to an apparatus for handling waste fluid, classified in class 141, subclass 65.
- II. Claims 23-25, drawn to a method for disposing of waste fluid, classified in class 141, subclass 7.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process can be practiced by a system that doesn't require first and second sensors electrically coupled to a pump.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

During a telephone conversation with Thomas J. Oppold on 2/21/07 a provisional election was made without traverse to prosecute the invention of Group I, claims 7-10, 13-16 and 18-22. Affirmation of this election must be made by applicant in replying to

this Office action. Claims have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

This application is in condition for allowance except for the presence of claims 23-25 directed to Group II, non-elected without traverse. Accordingly, claims 23-25 have been cancelled.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

**Cancel Claims 23-25.**

The following is an examiner's statement of reasons for allowance: None of the prior art of record, alone or in combination, teaches an apparatus for handling waste fluid having a holding chamber, separation chamber, pump, first and second electronic level sensors coupled to said pump and microprocessor, as claimed .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Mon. - Thur. 6:30 - 5:00.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3751

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Timothy L. Maust  
Primary Examiner  
Art Unit 3751

Tlm  
2/22/07

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		10524086	
	Filing Date		2005-02-09	
	First Named Inventor	Jay D. Nord		
	Art Unit	3751		
	Examiner Name	Timothy Lewis Maust		
	Attorney Docket Number	30,178-02		

U.S. PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
TLM	1	4957491		1990-09-18	Parker			
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S. PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup>	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
TLM	1	EP 1060752			2000-12-20	American Immuno Tech, LLC		<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button								
NON-PATENT LITERATURE DOCUMENTS								
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.						T <sup>5</sup>

/Timothy Maust/

02/22/2007

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	10524086
	Filing Date	2005-02-09
	First Named Inventor	Jay D. Nord
	Art Unit	3751
	Examiner Name	Timothy Lewis Maust
Attorney Docket Number		30,178-02

1		<input type="checkbox"/>
If you wish to add additional non-patent literature document citation information please click the Add button		
<b>EXAMINER SIGNATURE</b>		
Examiner Signature	/Timothy Maust/	Date Considered 02/22/2007
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		
<small> <sup>1</sup> See Kind Codes of USPTO Patent Documents at <a href="http://www.USPTO.GOV">www.USPTO.GOV</a> or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.         </small>		



## **EXHIBIT D**

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**Acknowledgement Receipt**

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The USPTO has received your submission at **16:07:39** Eastern Time on **09-JUL-2007**.

\$ **1000** fee paid by e-Filer via *RAM* with Confirmation Number: 1229.

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**eFiled Application Information**

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EFS ID	1951630
Application Number	10524086
Confirmation Number	4210
Title	METHOD AND APPARATUS FOR DISPOSING OF LIQUID SURGICAL WASTE FOR PROTECTION OF HEALTHCARE WORKERS
First Named Inventor	Marshall C Ryan
Customer Number or Correspondence Address	23452
Filed By	Thomas J. Oppold/Cathryn Quinn
Attorney Docket Number	30,178-00
Filing Date	09-FEB-2005
Receipt Date	09-JUL-2007
Application Type	U.S. National Stage under 35 USC 371

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**Application Details**

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Submitted Files	Page Count	Document Description	File Size	Warnings
transmittal.pdf	1	Miscellaneous Incoming Letter	53533 bytes	◆ PASS
issuefee.pdf	1	Issue Fee Payment (PTO-85B)	100092 bytes	◆ PASS
fee-info.pdf	2	Fee Worksheet (PTO-06)	8368 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**EX. D 1 of 4**

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

*If you need help:*

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/524086	
	Filing Date	February 9, 2006	
	First Named Inventor	Marshall C. Ryan	
	Art Unit	3751	
	Examiner Name	Timothy Lewis Maust	
Total Number of Pages in This Submission	2	Attorney Docket Number	30178-02

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Issue Fee Transmittal For ptol-85
<div style="border: 1px solid black; padding: 2px; min-height: 80px;">         Remarks       </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Larkin Hoffman Daly & Lindgren Ltd.		
Signature	/Thomas J. Oppold/		
Printed name	Thomas J. Oppold		
Date	July 9, 2007	Reg. No.	42054

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# **PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or **Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

23452 7590 04/10/2007  
**PATENT DEPARTMENT**  
**LARKIN, HOFFMAN, DALY & LINDGREN, LTD.**  
**1500 WELLS FARGO PLAZA**  
**7900 XERXES AVENUE SOUTH**  
**BLOOMINGTON, MN 55431**

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,086	02/09/2005	Marshall C Ryan	30,178-00	4210

**TITLE OF INVENTION: METHOD AND APPARATUS FOR DISPOSING OF LIQUID SURGICAL WASTE FOR PROTECTION OF HEALTHCARE WORKERS**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$0	\$1000	07/10/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
MAUST, TIMOTHY LEWIS	3751	141-086000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

**Larkin Hoffman Daly & Lindgren Ltd.**  
**Thomas J. Oppold**  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_

## **3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

**BioDrain Medical, Inc.**

**Orono, Minnesota**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

## **4a. The following fee(s) are submitted:**

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

## **4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)**

- ☐ A check is enclosed.  
☒ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number **12-0442** (enclose an extra copy of this form).

## **5. Change in Entity Status (from status indicated above)**

- ☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*Thomas J. Oppold*

Date **July 9, 2007**

Typed or printed name

**Thomas J. Oppold**

Registration No. **42054**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**EX. D 4 of 4**

## **EXHIBIT E**

**Acknowledgement Receipt**

The USPTO has received your submission at **16:47:55** Eastern Time on **27-DEC-2007**.

No fees have been paid for this submission. Please remember to pay any required fees on time to prevent abandonment of your application.

**eFiled Application Information**

EFS ID	2646023
Application Number	10524086
Confirmation Number	4210
Title	METHOD AND APPARATUS FOR DISPOSING OF LIQUID SURGICAL WASTE FOR PROTECTION OF HEALTHCARE WORKERS
First Named Inventor	Marshall C Ryan
Customer Number or Correspondence Address	23452
Filed By	Thomas J. Oppold/Cathryn Quinn
Attorney Docket Number	30,178-00
Filing Date	09-FEB-2005
Receipt Date	27-DEC-2007
Application Type	U.S. National Stage under 35 USC 371

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
transmittal.pdf	1	Miscellaneous Incoming Letter	57154 bytes	◆ PASS
ads.pdf	3	Application Data Sheet	160630 bytes	▲ WARNINGS

This is not an USPTO supplied ADS fillable form

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53 (b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

If you need help:

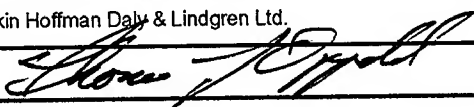
**EX. E 1 of 6**

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/524,086	
	Filing Date	February 9, 2005	
	First Named Inventor	Marshall C. Ryan	
	Art Unit	3751	
	Examiner Name	Timothy Lewis Maust	
Total Number of Pages in This Submission	4	Attorney Docket Number	30178-02

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Enclosed is a Supplemental Application Data Sheet to provide only the address and citizenship information of Inventor Ryan inadvertently omitted from the executed Declaration of Inventorship filed with the USPTO on May 19, 2006.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Larkin Hoffman Daly & Lindgren Ltd.	
Signature		
Printed name	Thomas J. Oppold	
Date	December 27, 2007	Reg. No. 42054

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	
		Application Number	
Title of Invention			
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

**Secrecy Order 37 CFR 5.2**

<input type="checkbox"/>	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--------------------------	---

**Applicant Information:**

<b>Applicant 1</b>					
Applicant Authority <input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Marshall	C.	Ryan		
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
City	Grantsburg	State/Province	WI	Country of Residence <sup>i</sup>	US
Citizenship under 37 CFR 1.41(b) <sup>i</sup>		US			
Mailing Address of Applicant:					
Address 1		330 West Benson Avenue			
Address 2		P.O. Box 228			
City	Grantsburg	State/Province	WI		
Postal Code	54840	Country <sup>i</sup>	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the <b>Add</b> button.					

**Correspondence Information:**

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
<input type="checkbox"/> An Address is being provided for the correspondence information of this application.	
Customer Number	
Email Address	<input type="button" value="Add Email"/> <input type="button" value="Remove Email"/>

**Application Information:**

Title of the Invention			
Attorney Docket Number		Small Entity Status Claimed	<input type="checkbox"/>
Application Type			
Subject Matter			
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)		Suggested Figure for Publication (if any)	

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	
		Application Number	
Title of Invention			

**Publication Information:**

<input type="checkbox"/>	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
<input type="checkbox"/>	<b>Request Not to Publish.</b> I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application <b>has not and will not</b> be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

**Representative Information:**

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> Limited Recognition (37 CFR 11.9)
Customer Number			

**Domestic Benefit/National Stage Information:**

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status		<a href="#">Remove</a>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the <b>Add</b> button.			

**Foreign Priority Information:**

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
<a href="#">Remove</a>			
Application Number	Country i	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			<input checked="" type="radio"/> Yes <input type="radio"/> No
Additional Foreign Priority Data may be generated within this form by selecting the <b>Add</b> button.			

**Assignee Information:**

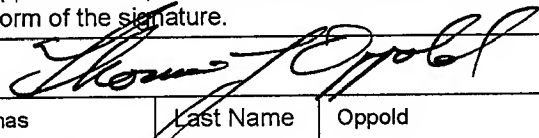
Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.	
Assignee 1	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	
		Application Number	
Title of Invention			

If the Assignee is an Organization check here. <input type="checkbox"/>				
Prefix	Given Name	Middle Name	Family Name	Suffix
<b>Mailing Address Information:</b>				
Address 1				
Address 2				
City		State/Province		
Country <sup>i</sup>		Postal Code		
Phone Number		Fax Number		
Email Address				
Additional Assignee Data may be generated within this form by selecting the <b>Add</b> button.				

**Signature:**

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
Signature				Date (YYYY-MM-DD)	2007-12-27
First Name	Thomas	Last Name	Oppold	Registration Number	42054

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## **EXHIBIT F**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,086	02/09/2005	Marshall C Ryan	30,178-00	4210

23452 7590 01/04/2008

PATENT DEPARTMENT  
LARKIN, HOFFMAN, DALY & LINDGREN, LTD.  
1500 WELLS FARGO PLAZA  
7900 XERXES AVENUE SOUTH  
BLOOMINGTON, MN 55431

EXAMINER
----------

MAUST, TIMOTHY LEWIS

ART UNIT	PAPER NUMBER
----------	--------------

3751

MAIL DATE	DELIVERY MODE
-----------	---------------

01/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

### *Oath/Declaration*

Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth by Correction of Inventorship, filed on 2/21/07. The substitute oath or declaration must be filed and **signed by Marshall C. Ryan** within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability" (PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the "Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Mon. - Thur. 6:30 - 5:00.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/524,086  
Art Unit: 3751

Page 3

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy L Maust/  
Primary Examiner  
Art Unit 3751

Tlm  
12/14/07



## **EXHIBIT G**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,086	02/09/2005	Marshall C Ryan	30,178-00	4210
7590 04/23/2008				
PATENT DEPARTMENT		EXAMINER		
LARKIN, HOFFMAN, DALY & LINDGREN, LTD.		MAUST, TIMOTHY LEWIS		
1500 WELLS FARGO PLAZA		ART UNIT		
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## Notice of Abandonment

This application is abandoned in view of:

1. ☒ The applicant's failure to timely file a proper reply to the Office letter mailed on 01-04-08
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission date \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:
    - (1) a timely filed amendment which places the application in condition for allowance;
    - (2) a timely filed Notice of Appeal (with appeal fee);
    - (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box e below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission date \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.  
The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawing have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below: Signed oath is required.

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management